

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Application of the
Minnesota Soybean Processors (MnSP) for a
Pipeline Routing Permit and Partial Exemption
from Pipeline Route Selection Procedures
Pursuant to Minnesota Rules Chapter 4415

**FINDINGS OF FACT,
CONCLUSIONS, AND ORDER**

**MEQB DOCKET NO.
03-62-PRP-MnSP**

The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regularly scheduled meeting pursuant to the Application of the Minnesota Soybean Processors (hereinafter "MnSP") to construct, own, and operate a 6.4 mile natural gas pipeline from an interconnection with Northern Natural Pipeline Company (NNPL) near Brewster, MN to a MnSP processing plant under construction near Brewster, MN. The proposed pipeline will traverse portions of Jackson and Nobles Counties in southwestern Minnesota.

STATEMENT OF ISSUE

Construction of a pipeline designed to be operated at a pressure of more than 275 pounds per square inch and to carry natural gas requires a Pipeline Routing Permit from the Minnesota Environmental Quality Board. Minnesota Statutes § 116I.015 prescribes applicable requirements and assigns authority to designate a route to the EQB. The review procedures are contained in Minnesota Rules Chapter 4415. In this instance, review is taking place under the requirements set forth in Minnesota Rules part 4415.0035 [Partial Exemption from Pipeline Route Selection Procedures].

Based on information in the Application, the comments at the public information meeting, written comments received, and other documents compiled as part of this proceeding relating to pipeline construction impacts and mitigation procedures, the EQB makes the following Findings of Fact.

FINDINGS OF FACT

Background and Procedure

1. In April, 2003, Minnesota Soybean Processors filed a preliminary Application for a pipeline routing permit and partial exemption from pipeline route selection procedures for a proposed 6.4 mile long natural gas pipeline from an interconnection with Northern Natural Pipeline Company (NNPL) near Brewster, MN to a MnSP processing plant under construction near Brewster, MN. The pipeline will cross portions of Jackson and Nobles counties (Exhibit 1).
2. EQB staff reviewed the preliminary application for compliance with the requirements of Minnesota Rules parts 4415.0115 through 4415.0165, and requested supplemental

information. MnSP revised their application and in May, 2003 resubmitted their application. EQB staff review concluded that the revised application contained all of the necessary information (Exhibit 2) and recommended that the EQB Chair accept the application. On May 22, 2003, the EQB Chair accepted the MnSP Application for a pipeline routing permit and partial exemption from pipeline route selection procedures. The Chair notified MnSP of his decision to accept the Application in a letter dated May 23, 2003 (Exhibit 3). The EQB staff notified EQB members and technical representatives of the Chair's decision to accept the Application in a memorandum dated May, 22, 2002 (Exhibit 4).

3. After acceptance of the application by the Chair, the MnSP published notice of the acceptance in area newspapers (Exhibit 5). The notice announced the EQB's public information meeting schedule, the date by which comments were due, and how to obtain additional project information and other project related material. The MnSP notice was published the week of May 25, 2003, in the following newspapers:

Newspaper	County	Date Published
<i>Worthington Daily Globe</i>	Nobles	May 28, 2003
<i>Lakefield Standard</i>	Jackson	May 29, 2003

4. The notice as published also included: 1) a description of the proposed project; 2) a map of the proposed pipeline route; and 3) a description of the procedures that must be followed for commenting on the application (Exhibit 5). The notice contained the information required by Minnesota Rules part 4415.0035, Subp. 2. A.
5. The EQB also published Notice of Application Acceptance and the EQB public information schedule in the *EQB Monitor* on May 26, 2003. *Monitor*, Volume 27, Number 11. (Exhibit 6).
6. On May 27, 2003, MnSP mailed a copy of the Application and a description of the procedures for commenting on the Application to affected landowners and governmental units in the areas that would be crossed by the pipeline along the MnSP preferred route in accordance with Minnesota Rules parts 4415.0035, subp. 2. B. and C (Exhibit 7). The mailing also advised the recipient of the EQB's public information meeting.
7. The EQB held a public information meeting, as required by Minnesota Rules part 4415.0035 subp. 4. The EQB public information meeting was held in Brewster, MN on June 9, 2003, at the American Legion Hall.

The Applicant

8. Minnesota Soybean Processors is headquartered in Volga, South Dakota, and is the project proposer. MnSP has retained Great Plains Natural Gas Company as its agent to design, build and operate the proposed pipeline. Therefore, the EQB permit will identify MnSP and GPNG as the permittees for the proposed project.

The Project

9. The proposed 6.4 mile natural gas pipeline will have an outside diameter of 4.5 inches and begin at a tap on the Northern Natural Pipeline in the northwest ¼ of Section 30 in Ewington Township in Jackson County and will proceed west 600 feet and then proceed northward through Lorain and Hersey Townships, and then terminate at the Minnesota Soybean Processors plant under construction in the southeast ¼ of Section 24 in Hersey Township just north of Brewster in Nobles County.
10. The estimated total cost of the pipeline is approximately \$1.1 million.
11. The normal operating pressure of the pipeline and associated facilities will be between 400 pounds per square inch gauge and 720 psig. The proposed natural gas pipeline and associated facilities are designed to have a maximum throughput capacity of 5,000 Mcf per day (thousand cubic feet per day). The minimum throughput design is 2,400 Mcf per day.

Facility Description

12. The facilities proposed by MnSP specify 4.5-inch (outside diameter) steel pipe and related materials that include valves, flanges, pipe fittings, coating and wrapping materials, casing, pipe supports, caution signs for crossings and other miscellaneous materials.
13. The 4.5-inch pipe will have a nominal pipe wall thickness of 0.156 inches. When the pipe crosses roads and streams, the pipe wall thickness will be 0.237 inches. The type of pipe used will be American Petroleum Institute 5L, X52, ERW. ERW has one longitudinal seam, which is formed by electric resistance welding during the manufacturing process. The maximum allowable operating pressure of the proposed pipeline is 720 pounds per square inch.
14. In addition to the steel pipe, this project will have above ground valves at the beginning and end of the pipeline along with associated launching and receiving scraper traps. At the interconnection point with Northern Natural, there will be regulation and measurement facilities above ground. MnSP will install marker posts along the route to identify the location of the buried facilities. Typically, these are installed at property boundaries and/or roads to minimize interference with land utilization. At approximately one mile intervals and adjacent to the marker posts, MnSP will install electrolysis test stations to monitor the effectiveness of cathodic protection efforts.
15. Cathodic protection will be provided on the pipeline to stop galvanic corrosion and will comply with all requirements of the U.S. Department of Transportation Pipeline Safety Regulations, 49 CFR Part 192. As part of the cathodic protection system, rectifiers and anode ground beds will be located along side the right-of-way.

Land Requirements

16. MnSP proposes to obtain from landowners permanent right-of-way thirty (30) feet in width. Based on a pipeline of 6.4 miles in length along the MnSP preferred route, approximately 22 acres of new right-of-way will be acquired.
17. MnSP also proposes to obtain from landowners an additional twenty (20) feet of temporary workspace. It is anticipated that this space will not be fully utilized, but will give the construction crews approximately 50 feet of right-of-way for workspace if needed. Approximately 15 acres of temporary workspace will be acquired. Temporary right-of-way or workspace will revert to landowners upon completion of construction. Additional temporary workspace adjacent to the construction right-of-way may be necessary during construction in areas such as steep slopes and staging areas for stream, wetland, and road crossings, for safety reasons, to provide an area for prefabrication of sections of pipeline, or storage of spoil materials. MnSP will acquire additional workspace from the landowner where necessary; however in all cases, the size of extra workspace will be kept to the minimum required to safely conduct the work.

Trench and Depth of Cover Requirements

18. Minnesota Statutes § 116I.06, subd. 1 requires pipelines to be buried with a minimum level cover of not less than 54 inches, in all areas where the pipeline crosses the right-of-way of any public drainage facility or any county, town or municipal street or highway and where the pipeline crosses cultivated agricultural land. As provided by Minnesota Statutes § 116I.06, subd. 2, the landowner may waive the depth of cover requirements. Any political subdivision authorized by law to approve the use of the right-of-way of any public drainage facility or any public street or highway for a pipeline may waive the minimum depth of cover requirement or adopt and enforce by resolution or ordinance rules or regulations establishing a greater depth than the minimum required and other measures for protection of public roads and drainage facilities under its jurisdiction. MnSP has committed to burying the pipeline 54 inches deep or more in accordance with state requirements.
19. The trench in which the pipe is placed will have a minimum depth of 60 inches to allow for a minimum of 54 inches of ground cover to the top of the pipe. The pipe will be placed below drain tiles. The trench will have a minimum width of 12 inches for the 4.5-inch pipe. The top and bottom widths are determined by soil conditions. In sandy soils, a wider trench will be necessary for sidewall stability. The trench required for the proposed pipeline will result in a minimum excavation volume of 5,900 cubic yards of soil.

Pipeline Safety

20. Pipeline safety is a matter of paramount concern to all interested parties. MnSP, as noted in its Application and in these findings, is subject to the U.S. Department of Transportation, Pipeline Safety Regulations (Title 49, C.F.R., Part 192).

21. The Minnesota Office of Pipeline Safety is responsible for enforcement of the pipeline safety regulations. The Office of Pipeline Safety intends to monitor construction of the proposed pipeline for compliance with the regulations. The Office of Pipeline Safety also has an ongoing responsibility for monitoring MnSP pipeline facilities for compliance with the safety regulations.

EQB Public Information Meeting

22. The EQB held one public information meeting in Brewster in Nobles County to receive public comment on the MnSP application as noted in Finding 7. Approximately twenty persons attended the EQB public information meeting. EQB staff presented an overview of the requirements for a pipeline routing permit and for a partial exemption from pipeline route selection procedures. MnSP provided an overview of the project. MnSP also had their pipeline contractor and drain tile repair contractor there to respond to questions.
23. EQB staff, MnSP and GPNG representatives were available for questions. No comments were offered and there were no questions from affected landowners or other interested persons.

Comment Letters

24. The EQB staff announced at the public meeting that the EQB would accept public comments about the proposed project and the Application for a partial exemption and routing permit until June 25, 2003. Three (3) comment letters were received on the MnSP proposed pipeline by the end of this period. The comment letters came from the Department of Natural Resources, the Minnesota Pollution Control Agency and the Southwest Regional Development Commission (Exhibits 8 through 10).
25. No issues were raised or identified in the comment letters. MnSP is subject to the terms and conditions of any DNR and MPCA license and permit requirements, as well as any Jackson or Nobles County permit requirements.

Alternatives to the Proposed Pipeline Route

26. MnSP also looked at an alternative route along the west side of TH 264 and Nobles County Road 1, but encountered an existing fiber-optics line in the road right-of-way. Landowners specifically requested that the pipeline be placed along the preferred alignment to minimize impacts to farmsteads along the route.

Standard for Partial Exemption From Pipeline Route Selection Procedures [Minnesota Rules, Part 4415.0040]

27. In determining whether to grant or deny a partial exemption from pipeline route selection procedures, the EQB must apply the requirements of Minnesota Rules part 4415.0040 [Criteria for Partial Exemption from Pipeline Route Selection Procedures]. This part

contains the standard and criteria that the Board must apply in determining whether to grant or deny the partial exemption

28. Minnesota Rules part 4415.0040, subp. 2, [Standard], requires the Board to determine that the proposed pipeline will not have a significant impact on humans or the environment in order to grant the partial exemption. In conducting this evaluation, the Board must consider a number of criteria set forth in subpart 3 of the rule.
29. The major difference between the partial exemption process and the full routing process is that under the full routing process a more comprehensive evaluation of alternatives is conducted and a contested case hearing presided over by an administrative law judge is required. Both processes require the publication of notice in local newspapers announcing the holding of public meetings at an early stage of the process. Both processes result in the designation of a route and the imposition of conditions to minimize human and environmental impacts from the pipeline.

Standard for Pipeline Route Selection [Minnesota Rules, Part 4415.0100]

30. Minn. Rules part 4415.0100, subp. 2 [Standard] provides that the Board shall consider the characteristics, the potential impacts, and mitigation measures associated with the proposed pipeline so that the Board may designate a route that minimizes human and environmental impacts. Regardless of the procedures followed, the Board attempts to minimize the impacts from any new pipeline.
31. In designating a route, subpart 3 requires the Board to take into account the same criteria set forth in part 4415.0040, subp. 3 for determining the appropriateness of a partial exemption from pipeline route selection procedures.
32. “Route” has been defined by the EQB in Minn. Rules part 4415.0010, subp. 32, to include “a variable width from the minimum required for the pipeline right-of-way up to 1.25 miles.” In other pipeline routing permits issued by the Board, the Board has more specifically limited the width of the route when an existing right-of-way is being used. In this instance MnSP and the landowners have agreed to a specific location for the proposed right-of-way. Therefore it is reasonable for the EQB to limit the route width to something much less than 1.25 miles in which the right-of-way will be located. A route width of 500 feet or 250 feet on either side of the centerline of the proposed right-of-way is appropriate.
33. Pipeline routing permits are subject to reasonable conditions imposed by the EQB. Conditions are intended to protect the environment and landowners from adverse effects from construction of the pipeline.

Consideration of Pipeline Routing Criteria

34. In determining whether to grant a partial exemption request and designate a route, the EQB considers the criteria set forth in the rules. The following findings discuss the specific impacts on humans and the environment of a pipeline between the Northern Natural Pipeline and the MnSP facilities being built east and north of Brewster.

35. For nearly the entire distance of the pipeline, the major impact of concern is the impact on agricultural land and farming operations. Regardless of right-of-way or centerline location, certain mitigation procedures and construction practices will be followed pursuant to pipeline routing permit conditions.

Criterion A. Impact on human settlement, existence and density of populated areas, existing and planned future land use, and management plans.

36. The pipeline will be installed in rural areas of Jackson and Nobles counties in southwestern Minnesota. The pipeline does not cross any incorporated areas, except for the City of Brewster. The area along the route is sparsely populated and is used almost exclusively for agricultural purposes.
37. The proposed route will cross approximately 14 parcels of property along its entire length.
38. Future development is more likely to occur along or adjacent to TH 264 and Nobles County Highway 1, than 600 feet away from these existing road rights-of-ways. If the pipeline were inside the road right-of-way, the pipeline may need to be relocated if the roadway were widened or otherwise modified in the future. Additionally, the possibility of damage to the line from careless excavations and other activity along the road right-of-way would be greater.
39. Future development along the pipeline right-of-way is regulated by ordinance setbacks established pursuant to the requirements of Minnesota Statutes § 299J.05 [Pipeline Setback Ordinance]. This ordinance requires that no development occur within the permanent right-of-way. The proposed pipeline alignment is not in conflict with any existing or planned residential, commercial or industrial development in the area.
40. The MnSP right-of-way alignment will not significantly affect human settlement areas, planned future land uses, or any local management plans.

Criterion B. Impact on the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands.

41. Two stream crossings have been identified along the alignment of the proposed pipeline. The pipeline will cross Okabena Creek and Elk Creek. The proposed method of crossing these water bodies will be by directional drilling so as to minimize any impact to these water bodies. Permits to cross these water bodies will be obtained from the MN Department of Natural Resources, and the crossing methods will be dictated by the permit conditions.
42. MnSP proposes to cross Okabena Creek and Elk Creek using the directional drill technique. Any inadvertent releases of drilling fluids would be contained by hay bales or other appropriate materials. Vacuum or sump pumps would then be used to clean up and transfer the drilling fluids back to the entry or exit points of the drilling mud pits for either reprocessing or disposal. If the directional drill cannot be completed, the borehole

would be sealed by mixing a commercially available grout additive into the drilling fluid as the drill pipe is withdrawn.

43. No compression facilities are to be installed on the proposed pipeline so there will not be any exhaust or other noise from these facilities. The pipeline does not generate any noise under normal operations. During construction, the machinery generates noise between 75-90 decibels within 50 feet of the equipment. The noise is typical of the machinery that is used in tilling, harvesting and other agriculture operations. Equipment noise impact would be short-term as the construction process moves continuously along the right-of-way.
44. A hydrostatic test of the pipeline is required prior to its being placed in service. MnSP estimates that it will have to withdraw approximately 24,000 gallons from local water supplies. During the testing, MnSP will screen water intakes to prevent entrapment of fish and debris and will neither withdraw nor discharge water during critical fish spawning periods. No chemicals will be added to the hydrostatic test water. The water will be tested during withdrawal, after the pipeline is filled, and during discharge. The hydrostatic test water will be discharged into a holding tank with a progressive weir arrangement to trap rust, mill scale or other undesirable items. The discharge rate would be regulated and splash plates or other similar devices installed to disperse the discharge in order to prevent erosion, stream scour, suspension of sediments, or excessive stream flow. An appropriation permit for the hydrostatic test water will be obtained from the Minnesota DNR and a discharge permit from the Minnesota Pollution Control Agency is required to return the water to its source. Impacts from this testing should be minimal and short term.

Criterion C. Impact on lands of historical, archaeological and cultural significance.

45. The Minnesota Historical Society/State Historic Preservation Office (SHPO) was contacted to review the route pursuant to the Minnesota Historical Sites Act and the Field Archaeology Act. This part of Minnesota is intensively farmed and tiled. These agricultural practices over many years damaged or destroyed many of the existing archaeological resources. While no impacts on such resources are anticipated, the pipeline routing permit addresses preservation of archeological sites should any be discovered during construction.

Criterion D. Impact on economies within the route, including agricultural, commercial or industrial, forestry, recreational and mining operations.

46. Agricultural cropland accounts for approximately 95 percent of the land that the pipeline will cross. The majority of the cropland is planted in corn or soybeans.
47. Approximately 37 acres of agricultural land will be temporarily disturbed during construction of the pipeline following MnSP route.
48. Construction activities will temporarily utilize active cropland within construction work areas. Construction activities may also interfere with planting or harvesting, depending on the construction season. After construction is completed, agricultural activities will be

allowed to resume in the pipeline right-of-way. Landowners will be compensated for crop losses and other damages caused by construction activities.

49. MnSP will be responsible for the repair of all drain tiles that are damaged as a result of pipeline construction.
50. To minimize soil compaction, chisel plowing, disk harrowing, right-of-way stripping, or other appropriate techniques will be implemented.
51. MnSP will implement double ditching as a means to minimize mixing of topsoil and subsoil during excavation of the trench for the pipe. Double ditching is a technique whereby the topsoil and the sub soils are placed in separate areas. Double ditching is a requirement in the pipeline routing permit. Other techniques can be investigated with the landowner at the time construction is to take place.
52. Under some wet weather conditions, construction will have to be temporarily delayed until weather permits.
53. Pipeline routing permit conditions and construction specifications specifically address soil compaction, erosion control and right-of-way restoration. In addition, the MnSP has been meeting with local landowners to discuss any particular concerns they may have. MnSP will implement an agricultural impact mitigation plan establishing reasonable construction practices and mitigation measures to minimize the impact of the pipeline on agricultural lands and landowners. Condition VII. A., of the pipeline routing permit requires compliance with the “Agricultural Impact Mitigation Plan” developed for this project.
54. Great Plains Natural Gas Company will build and operate the pipeline and will be a co-permittee on the permit. Great Plains will be the primary permittee responsible for compliance with the Agricultural Impact Mitigation Plan.
55. During construction of the pipeline, workers from pipeline contractors, local laborers, equipment contractors, suppliers and regional testing firms will be involved with the project. In addition, construction inspectors as well as county inspectors will be employed during the project. During the period of right-of-way preparation, construction, testing and restoration, these workers will contribute to the local economy.
56. No industrial sites are located along the route.

Criterion E. Impact on pipeline cost and accessibility.

57. MnSP has estimated that the pipeline will cost approximately \$1.1 million to construct on the proposed route.
58. The location of the proposed pipeline will not limit accessibility during the construction phase.

Criterion F. Impact on use of existing rights-of-way and right-of-way sharing or paralleling.

59. Construction of the pipeline will generally require a 50-foot-wide construction right-of-way to allow for temporary storage of topsoil and spoil to accommodate safe operation of construction equipment. During construction, MnSP will acquire nearby temporary storage areas for pipe, materials, construction staging, equipment storage, and parking. At this time those areas have not been identified. Use of temporary storage areas outside the right-of-way is not regulated by this permit.
60. Additional temporary work space adjacent to the construction right-of-way may be necessary during construction in areas such as steep slopes and staging areas for stream, wetland and road crossing, for safety reasons, to provide an area for prefabrication of sections of pipeline or storage of spoil material. In all cases, the size of extra work space will be kept to the minimum required to safely conduct work. Temporary right-of-way will revert to landowners upon completion of construction.
61. Typically, public roads will be used to gain access to the construction right-of-way. In areas where public roads are limited, and to minimize repeated travel on portions of the right-of-way, existing privately owned roads might be used to provide access to the construction right-of-way. Use of private access roads and construction of any new access roads would require obtaining landowner permission prior to use. No private or new access roads have been identified at this time.
62. Traffic flows will temporarily increase during the construction period due to materials, equipment and laborer movements where roadways are crossed. MnSP will implement measures to minimize disruption to traffic and to protect the public. Access to the right-of-way will be properly coordinated with county and city officials and affected property owners.
63. Damage to surfaced roadways resulting from the crossing of construction equipment will be minimized by the use of protective planking or other appropriate material. Any road damages will be repaired to the satisfaction of the landowner or appropriate permitting authority.

Criterion G. Impact on natural resources and features.

64. The impacts of the pipeline on water crossings will be minimized as the water crossings will be either bored or constructed in compliance with MDNR requirements for crossing public lands and waters. The MnSP restoration plan and other permit requirements will minimize impacts.
65. At ditch crossings, grasses and other vegetation will be removed, but reseedling of any disrupted areas along banks is part of the MnSP restoration plan.
66. Wildlife species will be temporarily disrupted and may relocate to adjacent areas and reroute their travel in the area during construction of the pipeline.

67. Immediately following construction, disturbed areas will be restored to original contours and reseeded. Once vegetation is reestablished, there should be no further disturbance.
68. Where clearing is required on the right-of-way, soil from tree or shrub roots will be retained on the right-of-way. Rock, roots and stumps that are uprooted will be properly disposed of.
69. Exposed soils are also subject to wind and water erosion. However, the potential for erosion is not excessive due to the low relief of the area crossed and the fact that the trench will be open only for a relatively short time. MnSP will specify the special placement of berms or other specific erosion control measures and practices in areas where the potential for erosion exists.

Criterion H. The extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 4415.0185 for pipeline right-of-way preparation, construction, cleanup and restoration practices.

70. Human and environmental impacts will occur as a result of pipeline construction. Many of the impacts associated with pipeline construction will cause only a temporary disturbance or disruption. Many of the impacts will be mitigated through compliance with regulatory control, strict adherence to the construction specifications, compliance with the pipeline routing permit condition, and compliance with the agricultural impact mitigation agreement developed for the MnSP pipeline project. Permits from other federal and state agencies and units of government are also designed to reduce or mitigate the impact of pipeline construction.
71. Following completion of construction operations, the right-of-way and all premises on which construction activities were conducted will be cleaned up. This will include removal of debris, fence repair, removal of temporary road and ditch crossings, additional grading to correct for soil settling and seeding of the right-of-way as required by EQB permit conditions and other federal and state agency permits.

Criterion I. Impact on cumulative potential effects of related or anticipated future pipeline construction.

72. There is no evidence in the record to indicate that cumulative adverse effects will occur that cannot be mitigated by compliance with appropriate permitting requirements and conditions. Compliance with applicable permits, regulations and agreements and strict adherence to the construction specifications will reduce the adverse effects of the project.
73. The capacity of the proposed pipeline is believed to be adequate to serve the foreseeable future needs of the MnSP plant in Brewster, MN. Any future project expansion will require review pursuant to the applicable statutes and rules.

Criterion J. Impact on relevant policies, rules, and regulations of the state and federal agencies and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

74. There is no evidence in the record indicating that the proposed pipeline would be inconsistent with any relevant policies, rules and regulations of any known state or federal agencies or local land use laws.
75. MnSP provided in the Application a list of the known permits that must be obtained.
76. All appropriate permits will be acquired prior to undertaking the activity for which a permit is required. MnSP must comply with the terms and conditions of all necessary permits.
77. Minnesota Rules part 4415.0200 and the pipeline routing permit provide a procedure to report complaints concerning violation of the pipeline routing rule requirements and pipeline routing permit conditions.
78. Minnesota Rules part 4415.0205 provides procedures for permit modification or suspension for violation of the terms and conditions of a pipeline routing permit or of Minnesota Rules parts 4415.0010 to 4415.0215.

Based on the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS

1. The Minnesota Environmental Quality Board has fulfilled all relevant procedural requirements of law or rule applicable to the consideration of an application for a partial exemption from pipeline route selection procedures, and has the authority to grant a partial exemption from pipeline route selection procedures and to issue a pipeline routing permit.
2. Minnesota Soybean Processors has complied with the procedural requirements for a partial exemption from pipeline route selection procedures as set forth in Minnesota Rules part 4415.0035, including publication of notice in two local newspapers in the counties where the pipeline will be located.
3. The EQB has established in Minnesota Rules part 4415.0040 a standard and criteria for a partial exemption from pipeline route selection procedures. The Board has considered the potential impacts of the proposed natural gas pipeline in each of the areas specified in the rule, including the natural environment and human settlement. The Board concludes that with implementation of proper construction practices and mitigation measures, and compliance with appropriate permit conditions, and negotiation of specific accommodations with individual landowners, such a pipeline will not have a significant impact on humans or the environment and that a partial exemption from full routing procedures can be granted.

4. The MnSP proposed route crosses agricultural land along nearly its entire length. The primary impact of concern is the impact of the pipeline on farming operations, particularly damage to drain tile and compaction of soil. EQB designation of a route that meets with the satisfaction of landowners whose property will be crossed and construction methods that address landowners' concerns will allow this pipeline to be constructed in the most expeditious and economic manner.
5. Based on its consideration of the criteria for granting a routing permit for a new natural gas pipeline, the Board concludes that a permit for construction of a natural gas pipeline of approximately 6.4 miles along the following route will minimize human and environmental impacts:

The proposed 6.4-mile natural gas pipeline will begin at a tap on the Northern Natural Pipeline in the northwest ¼ of Section 30 in Ewington Township in Jackson County approximately 133 feet east of the section line (the centerline of TH-264) and 503 feet south of the north section line (Jackson County Road Number 34). The pipeline then runs north approximately 573 feet to a point approximately 70 feet north of the centerline of Jackson County Road Number 34. Then, it turns west to a point about 600 feet west of Trunk Highway 264 (the road dividing Nobles and Jackson County south of I-90). From this point, the line will continue northward, approximately 600 feet west of TH 264 (south of I 90) and Nobles County Road 1 (north of I 90) to a point where Sections 36 and 25 and Nobles County Road 1 intersect in Hersey Township. At this point the pipeline will shift to the east approximately 100 feet, and then continue north through the east side of Section 25 approximately 500 feet west of the County line. The proposed pipeline will terminate at the Minnesota Soybean Processors plant under construction in the southeast ¼ of Section 24 in Hersey Township just north of Brewster.

6. The Board concludes that it makes sense to limit the maximum width of the route to no more than 500 feet, or 250 feet on either side of the proposed centerline. Designating a route with a width of up to 500 feet will still give MnSP the flexibility to adjust the designated route to accommodate requests by individual landowners to avoid certain areas and to minimize the impact of construction on drain tile and other features.
7. A routing permit for the new pipeline should be conditioned in a number of respects, including imposition of those conditions specified in Minn. Rules part 4415.0195, an agricultural impact mitigation plan, and conditions agreed to by the applicant.
8. Any Finding of Fact more properly considered a Conclusion, or any Conclusion more properly considered a Finding of Fact, is hereby expressly adopted as such.

Based on the Findings of Fact and Conclusions contained herein and the entire record of this proceeding, the Environmental Quality Board hereby makes the following

ORDER

1. The Minnesota Environmental Quality Board hereby grants Minnesota Soybean Processors and Great Plains Natural Gas a partial exemption from the pipeline route selection procedures of Minn. Rules chapter 4415.
2. The Minnesota Environmental Quality Board hereby issues a pipeline routing permit to Minnesota Soybean Processors and Great Plains Natural Gas for construction of approximately 6.4 miles of natural gas pipeline and associated facilities along the route described in Conclusion No. 5 above. The pipeline routing permit shall be issued in the form attached hereto, including the description of the route with a width of up to 500 feet or 250 feet on either side of the designated centerline, and the inclusion of conditions.

Dated this 17th day of July, 2003

STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD

Robert A. Schroeder, Chair